

MINUTES
MIGRANT AND SEASONAL FARMWORKERS BOARD MEETING

DECEMBER 1, 2004

The Migrant and Seasonal Farm workers Board meeting was held at 9:00 a.m. on the Third Floor, Virginia State University Cooperative Extension Building, and Petersburg, Virginia.

The following Board members were present: Kenneth Annis, Chairman; Mario Moreno, Vice Chairman; Hart Hudson; Sharon Saldarriaga; J.M. Scott; Tupper H. Dorsey; Elisia Almendarez-Moore; Richard Cagan; Richard F. Hall; Veronica Donahue. The following Board members were absent: Christian Schweiger; Thomas Kellum; Kelly Robinson. Virginia Employment Commission staff present were: James N. Ellenberger, Deputy Commissioner; Jack Turner; Monitor Advocate; Michelle Castellow; Rural Services Manager; Joyce Fogg; Public Relations Manager; Phyllis Johnson; Office Assistant; William R. Sievers, Office of the Attorney General.

CALL TO ORDER

The Chairman called the meeting to order 9:29 a.m. He extended thanks to Eddie Moore Jr. President Virginia State University who was instrumental in planning the December meeting and for his presentation on the history of the University.

APPROVAL OF AGENDA

Chairman Annis moved that the agenda be approved. Mr. Cagan seconded the motion and the minutes were approved by a unanimous vote.

APPROVAL OF MINUTES

Chairman Annis moved that the minutes of the October 5, 2004 meeting be approved. Ms. Saldarriaga seconded the motion and the minutes were approved.

PRESENTATIONS

Conflict of Interests Act Training
William R. Sievers, Office of the Attorney General

Mr. Sievers distributed copies of the *Outline for State and Local Government Conflict of Interest Act Training Module. Va. Code Ann. §§2.2-3100 through 2.2-3131.*

AREA COUNCIL REPORTS

Written reports were received from the following Councils: LaRed Farmworker Council: March 15, 2004; Northern Neck Hispanic Health Forum; Rappahannock Migrant and Seasonal Farmworker Council: September 16, 2004; Winchester Migrant Services council: September 15, 2004 and October 20, 2004;

The following will be e-mailed when received: Albemarle Regional Migrant Advisory Council; Nelson County Summit; Harrisonburg Area Hispanic Services Council; and Migrant Health Network.

Mr. Cagan reported to the Board on matters from the recent Governor's Latino Advisory Commission. A great deal of concern was expressed about the translation/interpretation issue, more specifically in the following areas:

- Perception of conflict and mandate: Guidance from the HIPPA legislation having regarding privacy protection, which restricts the ability of the health care provider from releasing certain information. However, requirements set out by an Executive Order from the Clinton Administration having to do with publicly funded translation services can cause conflict with HIPPA legislation. Mr. Cagan expressed that the Board may be in a position to assist in getting a legal opinion on this or getting some guidance from whatever state agency would have jurisdiction or expertise in the area of confidentiality.
- The second translation issue is in the women and children programs run by the Virginia Department of Health and the Federal USDA where checks are issued to participants who qualify for the program to purchase nutritious commodities. The checks have guidance and instructions on them in the English language describing what the checks can be used for, but very often the participants can't read the information. This is a problem in making effective use of a resource. It would seem that the State Health Department on a statewide basis would devise some kind of a system to make those checks translated into Spanish for the benefit of their customers.
- Also discussed at that meeting was the lack of emergency protocols to gather information from victims of crime while at the hospital. There might be protocol for this, but Mr. Cagan was advised that it was not being followed. A member of Mr. Cagan's staff was the only translator available in recent crises in the emergency room where a woman came in after a fistfight, she had been beaten, and no police officer was called to the scene to collect information. The staff member was very capable, but was not very proficient in Spanish.
- At the meeting the lack of adequate outreach to the migrant community from relief organizations in the state was discussed.

- Mr. Cagan announced that the statewide program that serves the documented and undocumented migrant workers not physically based on the Eastern Shore or in Winchester has formed another base in Charlottesville. He recently joined their Board of Directors and has spoken with some of their directors. He thought they are planning to use some summer intern staff.
- A final example relating to health care is the long-standing issue of the lack of adequate translation services and the central problem goes back to HIPPA, earlier discussed, involving confidentiality. There is a fair amount of activity in the migrant community involving domestic violence and substance abuse. The mental health agencies are the primary source of assistance to these families. One of the council members submitted statements about not being able to find counseling services in Spanish for a man who came to her door requesting that following the inability to provide services to him, he physically abused his wife, and set fire to some portion of the camp.
- The Eastern Shore Community Services Board, which is a governmental health agency, had indicated that it is interested in establishing a group therapy situation for individuals who have some needs, but only with a translator so one can imagine conducting therapy sessions or trying to have therapy relationship whether its one on one or in a group setting through a translator.

Mr. Moreno raised the issue of the case of the HIPPA imposed confidentiality, noting that the hospital and the doctor should address the issue. Mr. Cagan responded that in most cases the issue is private, however, there are some cases that should involve the public entity.

An opinion was expressed that the Board could look at other areas of the State where there are large concentrations of groups that speak other languages (besides Spanish and English) such as Fairfax, and see how public services handle translation and related situations.

The point was raised concerning the printing of instructions in Spanish on the checks. Many of the individuals that speak Spanish as a primary language cannot read it. Since they cannot read Spanish, the instructions may as well be in English.

The question arose as to how the recipients received their checks. If they picked up the checks in person, the person giving them the check could explain to them what they could and could not use the checks for. Ms. Donahue stated that while participants in the program pick the checks up in person often the only Spanish-speaking person on staff might not be there. Initially, there is training conducted explaining how this money can be spent.

Mr. Cagan recommended that the Board establish contact with the Virginia Department of health to get them involved in the campaign to make some changes administratively, and at minimum, receiving feedback from the agency to pursue the issue further. Mr.

Cagan noted that he would like to see the Board forward these translation issues to the Latino Advisory Commission, specifically outlining immediate concerns of the Board.

Chairman Annis moved that the issues be bundled for consideration. There was a call for the question, and it was approved by unanimous decision of the Board.

Chairman Annis moved that the Board contact the Health Department about the issues and withhold any particular action until someone from the WIC office provides the Board with some answers.

In the discussion that followed, the Board members expressed the strong desire that the issues should be narrowed to the two topics of: 1) educational opportunities of the program; and 2) translation, so that anyone coming to speak on the subject would address those issues and not spend time talking about other aspects of the program.

OLD BUSINESS

Mr. Cagan recommended that the Board revisit the discussion on institutional purposes and the concept of Virginia Grown.

Chairman Annis noted that the issue involves putting descriptions on goods coming into the state from other states and countries, and pricing/labeling the goods differently from its origin e.g. crabmeat processed and packaged overseas yet labeled Chesapeake Bay.

Ms. Fogg reported that Commissioner Esser made contact with a legislator who previously sponsored legislation for U.S. made products in the Newport News area for sponsorship on legislation that would specifically address Virginia Grown issues.

The Virginia Grown issue also raises constitutional questions in terms of giving preference to American made products. An example was cited in which the New Mexico state government put out a bid proposal on a new benefits system, and the winning bidder was a company from overseas. Legally, the state is bound to award the proposal to the best bidder on that contract for that year.

With no further old business to discuss, the Chairman moved to address new business.

NEW BUSINESS

Ms. Castellow reported that the Virginia Employment Commission is currently working on the 2004 Biennium Report (handout). Any suggested changes or additions to the report should be sent to Ms. Castellow by December 10, 2004.

Mr. Cagan proposed that the Board endorse a resolution that refines the four recommendations found on page 27 of the report.

Chairman Annis noted that some of the Board's conclusions and recommendations have progressed, but with very few results.

Mr. Turner reported that a call was received earlier in the week from the Catholic Diocese requesting for assistance in publicizing a conference on human trafficking (handout). If the Board would like additional information, contact Jack Turner.

Chairman Annis reported that every two years on an even year, the Board is mandated to have an election for Chair and Vice-chair. Chairman Annis requested comments from the Board regarding elections.

A motion was moved that the present slate of officers be approved. The motion was seconded and unanimously approved.

The Chairman recognized Virginia Employment Commission Deputy Commissioner, James Ellenberger.

Mr. Ellenberger introduced himself to the Board and notified them that, for the time being, the principal contact for Migrant and Seasonal Farmworkers Board activities would be Joyce Fogg.

Chairman Annis addressed the issue of having meetings outside of Richmond. Holding meetings outside of the Richmond area is an outstanding way to get a feel for the different regions and agriculture.

Mr. Turner recommended that the next meeting be held in conjunction with the Department of Labor Regional Conference in April. Every 5 years there is a Regional Department of Labor meeting that rotates around the states in the region and will be held in Virginia for 2005. It will be co-sponsored by Telemon and the Virginia Employment Commission.

Mr. Cagan motioned to carry over the issue of holding the meeting in conjunction with the Department of Labor Regional Conference until budgeting issues have been addressed.

The motion was unanimously approved and carried over.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 11:45 a.m. with a tour of the Virginia State University research facilities to follow immediately.